

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

ANTHONY SPENCER GREENSR.,

Plaintiff,

vs.

CREIGHTON/CHI HEALTH,
REBECCA STORMONT, MD;
VIRGINIA J. SMITH, APRN; and
ANNIE E. KNIERIM, Orthopedic
Surgeon;

Defendants.

8:16CV480

**MEMORANDUM
AND ORDER**

This matter is before the court on Plaintiff's Notice of Appeal ([Filing No. 16](#)), filed on February 27, 2017. Plaintiff appeals from the court's February 3, 2017 Judgment ([Filing No. 14](#)) and Memorandum and Order ([Filing No. 13](#)), in which the court dismissed this matter with prejudice for failure to state a claim.

Plaintiff was previously granted leave to proceed in forma pauperis in this matter ([Filing No. 6](#)). As set forth in [Federal Rule of Appellate Procedure 24\(a\)\(3\)](#):

A party who was permitted to proceed in forma pauperis in the district-court action, or who was determined to be financially unable to obtain an adequate defense in a criminal case, may proceed on appeal in forma pauperis without further authorization, unless:

- (A) the district court--before or after the notice of appeal is filed--certifies that the appeal is not taken in good faith or finds that the party is not otherwise entitled to proceed in forma pauperis and states in writing its reasons for the certification or finding

The court finds that because Plaintiff proceeded IFP in the district court, he may now proceed on appeal in forma pauperis without further authorization.

IT IS THEREFORE ORDERED that:

1. Plaintiff is granted leave to proceed in forma pauperis on appeal.
2. The clerk's office shall provide the Eighth Circuit Court of Appeals with a copy of this order.

Dated this 1st day of March, 2017.

BY THE COURT:

s/ *Richard G. Kopf*
Senior United States District Judge